

**BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION
#4 Capitol Mall
Little Rock, AR**

**October 8, 2015
10:00 A.M.**

APPEARANCES:

Mr. Johnny Key	Commissioner
Ms. Toyce Newton	Chairperson
Dr. Jay Barth	Board Member
Ms. Diane Zook	Board Member
Ms. Susan Chambers	Board Member
Ms. Charisse Dean	Board Member
Mr. R. Brett Williamson	Board Member

LEGAL COUNSEL FOR THE BOARD:

MS. KENDRA CLAY, ADE General Counsel
MS. JENNIFER DAVIS, ADE Attorney Specialist
MR. CORY BIGGS, ADE Attorney Specialist

**SHARON HILL COURT REPORTING
(501) 847-0510**

ORIGINAL

E X H I B I T S**A-6: WAIVER FROM REPAYMENT - MIRANDA McDIARMID**

EXHIBIT ONE (1)
PLSB File

A-7: LICENSURE WAIVER - LYNN D. LANG

EXHIBIT ONE (1)
Timeline of Events

A-8: LICENSURE WAIVER - ANWAR FAIRLEY

EXHIBIT ONE (1)
Letter to PLSB from Attorney Greg Alagood
w/ attachments

A-10: 2016 BOARD OF EDUCATION CALENDAR

EXHIBIT ONE (1)
Board of Education Calendar for January 2016
through December 2016

A-11: HIGH SCHOOL PARCC CUT SCORES

EXHIBIT ONE (1)
Preliminary Results as of October 1, 2015

A-12: NCSC ASSESSMENT CUT SCORES

EXHIBIT ONE (1)
Summary Report

A-15: RULES GOVERNING PROFESSIONAL DEVELOPMENT

EXHIBIT ONE (1)
Test Rationale Report by Michael Rowland

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A-6

EXHIBIT ONE (1)



ARKANSAS DEPARTMENT OF EDUCATION

Johnny Key
Commissioner

May 11, 2015

State Board
of Education

Miranda McDiarmid

Sam Ledbetter
Little Rock
Chair

Toyes Newton
Crossell
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Kim Davis
Fayetteville

Alice Mahony
El Dorado

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Diane Zook
Melbourne

VIA REGULAR MAIL AND CERTIFIED MAIL

RETURN RECEIPT REQUESTED NO.: 7005 1820 0004 9893 3511

Dear Miranda,

Our records indicate that you did not achieve the NBPTS certification you initiated on 7/21/2011. As you know, the Department of Education funded your participation as an NBPTS candidate. Under Ark. Code Ann. § 6-17-413 and the ADE Rules Governing the National Board for Professional Teaching Standards Program, all funds expended on your behalf, including substitute teacher pay (if applicable), must be repaid if you do not complete certification within three (3) years of your application. A copy of the rules may be found on the Department of Education, Office of Educator Effectiveness webpages.

The enclosed invoice reflects the full amount that must be repaid to the Department, \$2500.00. Your full repayment is due within thirty (30) days of the date you sign for the certified mail copy of this letter. However, if you do not sign for the certified letter, and the letter sent by regular mail is not returned to us within ten (10) days, the letter will be considered received by you on the tenth (10th) calendar day from the date of this letter.

Please make your payment by cashier's check or money order. No personal checks or cash will be accepted. Payment should be made to the **Arkansas Department of Education** and mailed to the following address:

NBPTS State Support Program
Four Capitol Mall, Room 107-A
Little Rock, AR 72201

Failure to repay the full amount of state funds expended for your participation in the NBPTS Program may result in the suspension or revocation of your license.

A candidate may seek a waiver of the repayment requirement, from the State Board of Education, of the requirement to repay the funds if the candidate is forced to withdraw from candidacy due to the death or disability of the candidate or for other serious extenuating circumstances. If you wish to request a waiver, or if you have any questions concerning the repayment, please contact me within the 30-day period specified above, at (501) 682-5535.

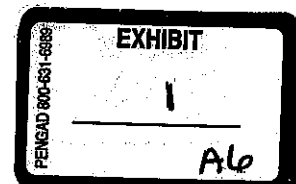
Sincerely,

Barbara Culpepper

Barbara Culpepper
Unit Coordinator
Office of Educator Effective

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

An Equal Opportunity
Employer



[REDACTED]

9

June 4, 2015

Program Advisor
NBPTS State Support Program
Four Capitol Mall, Room 107-A
Little Rock, AR 72201

SUBJECT: I request the repayment of funding I received from the Department of Education be waived or reduced.

My name is Miranda McDiarmid and I am currently a second grade teacher in the Little Rock School District. I began teaching in Arkansas December of 2001 after graduating from Southern Arkansas University in Magnolia. In 2009 I earned a master's Degree in Curriculum and Instruction from the same institute. I am writing this letter to request that the repayment of funding I received from the Department of Education be waived or reduced. At the end of my second year of candidacy I needed 4 points in order to attain National Board Certification. I was unable to start my third year of candidacy due to hospitalization, the premature birth of my twins, and a lack of correspondence on behalf of NBPTS.

I request that the repayment of funding I received from the Department of Education be waived or reduced due to hospitalization, the premature birth of my twins, and a lack of correspondence on behalf of NBPTS. In October of 2013 I sent a message through the NBPTS portal that I was not receiving the emails that I knew my fellow NBPTS candidates were receiving. I verified that my information was correct but never did receive further correspondence from the NBPTS regarding my candidacy. I logged into my account at the end of November after hearing from another candidate that scores had been released. After logging in I learned that I needed 4 additional points to attain National Board Certification. Less than a week after this news I was hospitalized for preeclampsia. This condition elevated my blood pressure so high that it put my life and the lives of my babies at risk. The doctors decided to perform an emergency cesarean section and deliver my twins 6 weeks early. They had to spend three weeks in the NICU so they could grow strong enough to go home. I took 12 weeks off using the Family Medical Leave Act to recover from surgery and care for my newborn babies. My leave started on December 3, 2013, and I returned to work March 12, 2015. During my absence I did not receive any type of communication from the NBPTS.

After returning to work on March 12, 2014, I asked a fellow coworker about registering for our third year of NBPTS candidacy. She informed me that the deadline to register was February 28, 2014. I emailed NBPTS and told them my story and was told that I would have to start the process all over again since I had missed the deadline. After the email I made two different phone calls petitioning to be allowed to take the two computer tests that could perhaps earn me 4 more points so that I could obtain my certification. I was told again that I would have to start over and there was nothing that could be done about missing the deadline. In my email and phone conversations I told them that I had not been sent any notifications or reminders about the



The following is documentation of some of the circumstances that have led me to file a waiver to repay National Board funds. I do not have any information in regards to correspondence between myself and National Board. When I was denied the chance to complete my third year I deleted or threw away everything that I had that pertained to National Board.

The following papers are...

- My discharge information after my cesarean section
- The total cost for my care while in the hospital
- The discharge information for my daughter after 16 days in the NICU
- The total cost for her care while in the hospital
- The discharge information for my son after 16 days in the NICU
- The total cost for his care while in the hospital
- Bill from Arkansas Otolaryngology for the tubes in my son's ears
- Admittance for my son into Arkansas Children's Hospital for croup in November 2014
- Bill for my son's care at Arkansas Children's Hospital while there with croup
- Admittance for my son into Arkansas Children's Hospital for RSV in February 2015
- Bill for my son's care at Arkansas Children's Hospital while there with RSV
- Admittance for my daughter into Arkansas Children's Hospital for RSV in March 2015
- Bill for my daughter's care at Arkansas Children's Hospital while there with RSV
- Printout of the days I was absent from school while I was on Family Medical Leave after the birth of my children and days I was absent due to an illness with my children.
- Request of information from Mrs. Culpepper
- Request of information from Sue Rodgers

ADE Note: attachments not included based on privacy considerations.



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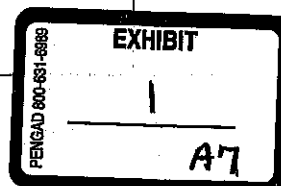
EXHIBIT ONE (1)

Timeline of Events

Lynn D. Lang-Waiver Hearing

Mr. Lang has applied for a teaching and administrator's license. He is a first time applicant.

Event	Date	Additional Information
Conviction-Conspiracy to Travel and Utilize Facilities in Interstate Commerce in Aid of Racketeering	02/08/2005	Applicant accepted incentives to recommend a specific university to a football player he coached. Sentence- Imprisonment for one (1) day and supervised release for two (2) years. Sentence was successfully completed.
Applicant employed with Salvation Army		
Applicant employed as Supervisor at Children Home of Detroit (MS)		Children Home of Detroit-a home for emotionally impaired and abused children
Applicant employed as Assistant Principal-Claiborne County School District (MS)	2007-2008	
Applicant employed as Principal-Claiborne County School District (MS)	2008-2009; 2009-2010	
Applicant employed as Athletic Director-Claiborne County School District (MS)	2010-2013	
Applicant employed as Asst. Principal/Athletic Director-Claiborne County School District (MS)	2013-2014	
Applicant employed as Athletic Director/Alternative Principal for Leland Public Schools (MS)	2014-2015	
Applicant accepted employment as Head Football Coach for Yazoo City High School/Yazoo City Municipal School District (MS)	2015-2016	ADE-Educator Licensure/PLSB office advised that applicant is no longer employed with the school district.



ADE Exhibit A

Event	Date	Additional Information
OUT OF STATE LICENSURE/CERTIFICATION INFORMATION		
Mississippi	Licensed	License revoked in 2005. License reinstated on May 5, 2007.
Michigan	Cleared for future certification.	Certification was suspended in 2005. In 2014, Applicant requested reconsideration by Michigan State Board of Education. Request was granted and Applicant was cleared for future certification.
Louisiana	Out-of-State Provisional Certificate	Applicant is eligible for employment in the Louisiana public school system. If Applicant is employed in a Louisiana public school, a certificate will be issued showing endorsement for school principal.
Georgia	Certificate Revoked	Revocation based on: (i) conviction; and (ii) determination made in Mississippi that Applicant had committed deceit on applications submitted to the Office of Educator Licensure.
Tennessee	Licensed	Voluntary surrender of license in 2005. Reinstated on April 20, 2007. In August and September of 2015, a hold was placed on the Applicant's license until the reason for Georgia's denial could be determined. Hold was removed in October 2015.

PROCEDURAL DATES CONCERNING WAIVER HEARING REQUEST		
ADE-Educator Licensure/PLSB Disqualification Letter to Applicant	April 28, 2015	
Applicant's Request for Waiver Hearing	May 3, 2015	
ADE-Educator Licensure/PLSB Scheduled Hearing Notice Letter to Applicant	June 4, 2015	
August 13, 2015 State Board Waiver Hearing	August 13, 2015	Continued by agreement of the parties. Rescheduled to September 10, 2015.
September 10, 2015 State Board Waiver Hearing	September 10, 2015	Applicant requested a continuance to October 8, 2015. Continued by agreement of the parties.

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EXHIBIT ONE (1)



MITCHELL • BLACKSTOCK

Mitchell • Blackstock • Ivers • Sneddon • Marshall • PLLC

1010 WEST THIRD STREET
LITTLE ROCK | ARKANSAS | 72201
501.378.7870 | www.mitchellblackstock.com

ATTORNEYS

EUGENE R. WARREN (1909-1980)

MICHAEL W. MITCHELL*

CLAYTON R. BLACKSTOCK**

DAVID IVERS**

EMILY SNEDDON

WILLIAM T. MARSHALL

GREG ALAGOOD

ROBERT W. WRIGHT

JANET PULLIAM

TAMERA DEEVER

P.O. BOX 1510
LITTLE ROCK | ARKANSAS | 72203
FACSIMILE | 501.375.1940

*ALSO LICENSED IN COLORADO

**ALSO LICENSED IN TEXAS

WRITER'S E-MAIL

galagood@mitchellblackstock.com

September 8, 2015

Jennifer Liwo, Staff Attorney
Ark. Prof. Licensure Standards Board
Arkansas Department of Education
4 Capitol Mall, Box 30
Little Rock, AR 72201

RE: Anwar H. Fairley

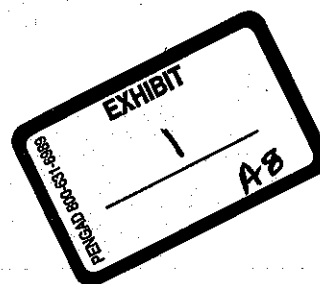
Dear Ms. Liwo:

As you know, I represent Anwar Fairley. Mr. Fairley was notified by your office that the Arkansas Department of Education seeks revocation of his State Board of Education license by virtue of having plead guilty to a disqualifying offense under Ark. Code Ann. § 6-17-410. I timely requested a hearing before the State Board, which is scheduled for October 8, 2015, at 10:00 a.m. Enclosed you will please find Mr. Fairley's exhibits to be presented at the State Board at his hearing together with this statement on his behalf.

Anwar Fairley is thirty-three years old. 2015-16 is the third year that Mr. Fairley has been employed by the Pulaski County Special School District (PCSSD) as an instructional facilitator. Prior to that he worked for seven years for the El Dorado School District.

On the evening of Tuesday, November 18, 2014, a young lady named Anissa Smith was at the residence shared by Takela McDuffie, Anwar Fairley, and Dontisha Davis. Mr. Fairley and Ms. Davis were in a romantic relationship. Mr. Fairley and Ms. Davis left the residence. For whatever reason, Ms. Smith called the Arkadelphia Police and reported that Ms. Davis was in some distress or danger. Arkadelphia Police pulled over Mr. Fairley's vehicle, took him into custody, arrested him, and subsequently charged him with First Decree False Imprisonment, a Class C Felony under Ark. Code Ann. § 5-11-103.

When the incident came to the attention of PCSSD, Mr. Fairley was placed on paid suspension pending an investigation. (See Exhibit A.)



On December 1, 2014, Dr. Jerry Guess, Superintendent of Schools for PCSSD, notified Mr. Fairley that he was recommending that his contract with the District be terminated. (See Exhibit B.)

Undersigned counsel made a timely request for a hearing on behalf of Mr. Fairley pursuant to the Teacher Fair Dismissal Act in connection with the superintendent's recommended termination. (See Exhibit C.) The parties subsequently agreed that Mr. Fairley would remain on unpaid suspension pending resolution of criminal charges in Clark County, Arkansas. (See Exhibit D.)

Mr. Fairley was represented in the Clark County Circuit Court proceedings by Winston C. "Clint" Mathis. (See Exhibit E.) Mr. Mathis obtained the affidavit of Mr. Fairley's girlfriend, Dontisha Davis, the alleged victim. (See Exhibit F.) Ms. Davis attempted to clarify the events surrounding the incident to the Clark County Prosecuting Attorney to no avail. She points inaccuracies in the police report. It is clear from reading Ms. Davis's affidavit that she did not consider herself to be restrained without consent or her liberty substantially interfered with in a manner that exposed her to a substantial risk of serious physical injury. Based upon Ms. Davis's affidavit, Mr. Mathis (Mr. Fairley's criminal defense attorney) was hopeful that the charges would be dismissed. Unfortunately, however, the Clark County Prosecuting Attorney showed no inclination to dismiss the charges. Mr. Mathis attempted to negotiate the charges down to Second Degree False Imprisonment. It was confirmed with PCSSD that Mr. Fairley could return to employment with the District so long as he had not plead guilty or nolo contendere or been found guilty of a disqualifying offense. Unfortunately, the Clark County Prosecuting Attorney declined to negotiate the charge down to Second Degree False Imprisonment.

Exhibit G is a letter from Mr. Mathis dated July 8, 2015, explaining that Mr. Fairley would be accepting a plea of deferred adjudication under Act 346. Based upon Mr. Mathis's representations, PCSSD gave Mr. Fairley a contract for the 2015-16 school year. (See Exhibits M and N.)

Exhibit H is the statute that sets out the elements of First Degree False Imprisonment. Exhibit I explains deferred adjudication under Act 346 of 1975. Exhibit J delineates those offences which the law considers to be a "serious felony involving violence."

Exhibit K is a letter from Mr. Mathis dated September 4, 2015, accompanied by a filed copy of the Order of Deferred Adjudication (Exhibit L). The record of the proceedings in Clark County Circuit Court reflect that Mr. Fairley did indeed enter a plea of guilty to the charge of false imprisonment Ark. Code Ann. § 5-11-103. This is indeed a disqualifying offense under Ark. Code Ann. § 6-17-410.

Exhibit O is a letter dated August 27, 2015, from Paul Brewer, Chief Executive Officer / Human Resources at PCSSD, confirming that the District does not consider Mr.

Jennifer Liwo
September 8, 2015
Page 3

Fairley to pose a threat to the health or safety of school children or school personnel, and inviting contact to him if any additional information is needed. Mr. Fairley respectfully submits to the Board that the circumstances surrounding this incident demonstrate that Mr. Fairley does not pose a threat to the health or safety of school children or school personnel, and he respectfully requests that the Board grant him a waiver of the revocation of his license.

Sincerely,


Greg Alagood

GA/mw
Enclosures
Cc/enc: Anwar Fairley

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

HEARING ON REQUESTED
WAIVER OF REVOCATION OF LICENSE

ANWAR FAIRLEY

OCTOBER 8, 2015

- A. 11-21-14 Notice of Paid Suspension
- B. 12-1-14 Recommendation of Termination
- C. 1-6-15 Request for Hearing on Recommended Termination
- D. 1-20-15 Correspondence Confirming Agreement of Suspension Without Pay
- E. 3-19-15 Letter from Winston C. Mathis
- F. Affidavit of Alleged Victim, Dontisha Davis
- G. 7-8-15 Letter from Winston C. Mathis
- H. Ark. Code Ann. § 5-11-103 (First Decree False Imprisonment)
- I. Ark. Code Ann. § 16-93-303 (Probation – First Time Offenders – Procedure)
- J. List of “Serious Felonies Involving Violence”
- K. 9-4-15 Letter from Winston C. Mathis
- L. Order of Deferred Adjudication
- M. 8-10-15 Letter Enclosing Teacher’s Contract
- N. PCSSD Teacher’s Contract 2015-16
- O. 8-27-15 Letter from Paul Brewer, Chief Executive Officer – Human Resources at PCSSD



PULASKI COUNTY SPECIAL SCHOOL DISTRICT

925 East Dixon Road/P.O. Box 8601
Little Rock, Arkansas 72216-8601

November 21, 2014

HAND DELIVERED

Mr. Anwar Fairley
1817 Millcreek Drive, Apt. C9
Arkadelphia, Arkansas 71923

Dear Mr. Fairley:

I am suspending you with pay immediately from your instructional facilitator assignment with Pulaski County Special School District pending an investigation of the allegations against you. The reason for this action is "conduct unbecoming a professional employee." Specifically, to wit:

1. It is alleged that on Tuesday, November 18, 2014, you took your girlfriend from her apartment against her will. After the incident was reported to police by the girlfriend's roommate, you were arrested by the Arkadelphia Police Department for false imprisonment.

I am not prepared to recommend disciplinary action at this time. Further action, if necessary, will be taken pending the outcome of the investigation of these allegations.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerry Guess".

Dr. Jerry Guess
Superintendent of Schools

cc: Jerry Bell
Connie Laster
Personnel File

A handwritten signature in cursive script, appearing to read "Anwar Fairley".
Anwar Fairley

Date

11/21/14



**PULASKI COUNTY SPECIAL SCHOOL DISTRICT**

925 East Dixon Road/P.O. Box 8601
Little Rock, Arkansas 72216-8601

December 1, 2014

VIA CERTIFIED NUMBER: 7612 3460 6002 6006 8508
RETURN RECEIPT REQUESTED

Mr. Anwar Fairley
208 Perry Street
El Dorado, Arkansas 71730

Dear Mr. Fairley:

The investigation has been completed and in accordance with ARK. CODE ANN. §§ 6-17-1501, *et seq.*, I am continuing your suspension with pay and am recommending that your contract as an instructional facilitator be terminated. The reason for this action is "conduct unbecoming a professional employee". Specifically, to wit:

1. On Tuesday, November 18, 2014, you were arrested by the Arkadelphia Police Department and charged with False Imprisonment - 1st Degree/Risk of Serious Injury, a Class C Felony.

You may file a written request for a Panel Hearing by sending the request by certified or registered mail to the Superintendent and the Panel Chairperson, Susie Marks, within thirty (30) calendar days from receipt of this notice. Hand delivery is also acceptable. Additionally, a copy of the request should be sent by regular mail to the Commissioner of Education, Tony Wood. A copy of the District's temporary hearing procedure notice is enclosed for your review.

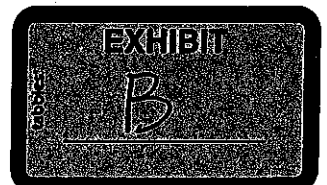
If you request a hearing, it will take place at an agreed upon time, or, if no agreement can be reached, no sooner than five (5) nor more than twenty (20) days from the receipt by the Superintendent of your hearing request. The hearing may be public or private at your request, and, if you so request in writing, a record of the hearing will be made and a transcript provided to you at no cost. Both you and the Board may be represented by an attorney or other person(s) of your choosing.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jerry Guess", is written over the word "Sincerely,".

Dr. Jerry Guess
Superintendent of Schools

cc: Jerry Bell
Connie Laster
Personnel File





MITCHELL • BLACKSTOCK
Mitchell • Blackstock • Ivers • Sneddon • Marshall • PLLC

1010 WEST THIRD STREET
LITTLE ROCK | ARKANSAS | 72201
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ATTORNEYS

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P.O. BOX 1510

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FACSIMILE | 501.375.1940

*ALSO LICENSED IN COLORADO

**ALSO LICENSED IN TEXAS

WRITER'S E-MAIL

galagood@mitchellblackstock.com

January 6, 2015

NO. 7012 3050 0000 9464 1189

RETURN RECEIPT REQUESTED

Dr. Jerry Guess, Superintendent
Pulaski County Special School District
925 E. Dixon Road
P.O. Box 8601
Little Rock, AR 72216

NO. 7012 3050 0000 9464 1196

RETURN RECEIPT REQUESTED

Susie Marks
2709 Stephanie Drive
Little Rock, AR 72206

Tony Wood, Comm. of Education
Arkansas Department of Education
4 State Capitol Mall
Little Rock, AR 72201-1071

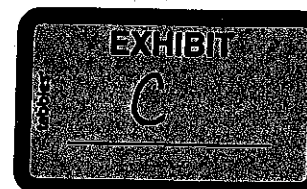
Re: Hearing Request on Recommended Termination of Anwar Fairley

Dear Dr. Guess, Ms. Marks, and Mr. Wood:

This law firm represents Anwar Fairley. On our client's behalf and to preserve his rights under the Teacher Fair Hearing Act, I request a hearing on the recommended termination of Anwar Fairley's contract. We ask that the hearing be private. We ask that a full, written transcript of the complete proceedings be made and preserved in accordance with Ark. Code Ann. § 6-17-1705(c) and/or (d). By requesting this hearing, our client is not waiving any right to claim that the school District has already failed to substantially comply with one or more provisions of the Teacher Fair Hearing Act or the district's personnel policies.

On behalf of Mr. Fairley, I request that all files in the District pertaining to him be sent to me.

In addition, please furnish immediately the names, addresses and telephone numbers of all witnesses who may testify against Mr. Fairley and the nature of their



January 6, 2015
Page 2

expected testimony. Also, please furnish copies of any written statements, photographs, or other documents which may be used as evidence against him. If the school District has obtained written statements from individuals and these written statements form the basis upon which the school District is recommending termination of Mr. Fairley, I request copies of those as well.

Mr. Fairley will be represented at his hearing by a member of this law firm.

Thank you for your prompt attention to this.

Cordially,


Greg Alagood

GA/mw

cc: Anwar Fairley

The Law Firm of
BEQUETTE & BILLINGSLEY
A Professional Association

GEORGE J. BEQUETTE, JR.
jbequette@bbpalaw.com
KEITH I. BILLINGSLEY
kbillingsley@bbpalaw.com

Simmons Bank Tower
425 West Capitol Avenue, Suite 3200
Little Rock, Arkansas 72201-3469
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(501) 374-1107

Telecopier
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January 20, 2015

Via Email and U.S. Mail

Greg Alagood, Esq.
Mitchell, Blackstock, Ivers, Sneddon & Marshall
1010 West Third Street
Little Rock, AR 72201

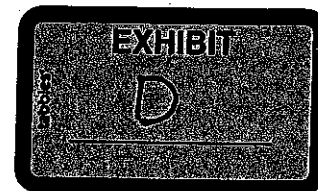
Re: Pulaski County Special School District and Anwar Fairley

Dear Greg:

This letter is to confirm our mutual agreement that effective January 20, 2015, Mr. Fairley will be suspended without pay pending resolution of the criminal charges in Clark County, Arkansas. Please contact me should you have further questions concerning this matter.

Very truly yours,


/s/ Bequette



The Mathis Law Firm

Winston C. Mathis

Attorney At Law

P.O. Box 399

402 Main Street

Arkadelphia, Arkansas 71923

Phone (870) 246-5886, Fax (870) 246-3249

Email: mathislawfirm@gmail.com

March 19, 2015

To whom it may concern:

RE: *State of Arkansas vs. Anwar Fairley*
Clark County Circuit Case No. CR-2014-125

Dear Sir or Madam:

This letter is to inform you that I met with Anwar Fairley on Friday, March 13, 2015, and have been meeting with him on regular basis. I have enclosed the Affidavit of the alleged victim, which clearly shows in a sworn statement that what the police said did not happen. I expect the charges to be dropped.

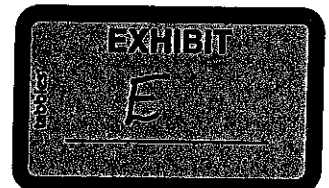
If you have any questions, please contact my office.

Sincerely,


Winston C. Mathis

WCM/ag

encl: Affidavit



AFFIDAVIT OF DONTISHA DAVIS

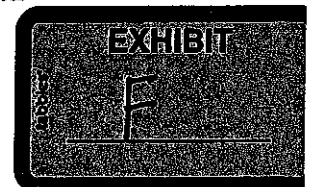
Comes now the Affiant, Dontisha Davis, and being sworn to tell the truth states as follows:

My name is Dontisha Davis. On November 15, 2014, I visited the Clark County Prosecutor's office to seek some assistance and information in the incident surrounding Mr Anwar Fairley. My presence was not welcomed at all by either, Prosecuting Attorney Blake Batson or the office staff. After personal reflection and airing of conversations among Takela McDuffie, my roommate, and Anissa Smith, a classmate and visitor, I realized that many details were not correct and that I was mentally distraught and physically drained as I managed to write what I thought to have happened on that night because the investigator gave me no option.

The police report is inaccurate because I never made a statement to either of the officers on the scene. I asked the officer to see if Mr. Fairley had his key to the apartment. No other statements were made. Yet, the police report reveals that I told the officer information that created probable cause to arrest Mr. Fairley. This is deceptive because the police report should state the facts clearly and accurately.

Once I returned to the apartment, I felt pressured and overwhelmed and was put in a position as though I had no choice concerning the actual happenings. The arresting officer tried to make me say things against Mr. Fairley to justify his (the officer's) use of force as soon as Mr. Fairley stepped out of the vehicle. Again, I did not say anything to either patrolman as the police report records.

The patrolman also misrepresented his actions and the order in which things happened as he made contact with Mr. Fairley. Officer Welch did not state his name or the reason that he approached the car until he grabbed Mr. Fairley, took him to the rear driver door of the car and put him in handcuffs. Mr. Fairley asked officer Welch several times his name. When officer Welch ignored him, Mr. Fairley then asked for his badge number. After this, Officer Welch



tooke Mr, Fairley and put him in the police car. According to his report, I appeared scared and looked as if I had been crying. The personal issues that I was dealing with had upset me, and I was emotional because of things that were happening so fast and I'm easily intimidated by police officers. I placed my hand over my mouth after Officer Welch finally said to Mr. Fairley that he received a call about a kidnaping. I then put my hand over my mouth because I was overwhelmed and scared. Officer Welch did not tell the true accounts of what happened when he made contact with the car, the driver, and me.

After reflecting on what happened, the apartment key issue was not as it appears. As I reflect on my report, I realize how things have been taken out of context and although I know the true accounts of everything and what happened I realize my statement needs more clarity. I did not ask Mr. Fairley for the key to the apartment before he left. In a text message, I asked him for the key after he left. He then returned to bring my roommate's, Takela McDuffie's purse. The key that Mr. Fairley had was the key to the apartment, and I didn't ask him to leave it when he left initially but after he left. I suggested that he bring it to me.

It seems to me that the patrolman, investigator, and prosecutor view Mr. Fairley as an intruder. It was never my intention to state that he was an intruder and that he was not in his rightful place by being at the apartment in which he lived.

The police report also reveals that my roommate called the police and that my roommate witnessed the situation. This is totally inaccurate. I had two roommates: Takela McDuffie and Anwar Fairley. Anissa Smith was not and is not my roommate. She was a visitor on the night in question, as her plans to come over were last-minute. She had never been in the company of Mr. Fairley and had never interacted with Mr. Fairley.

When I stepped up to the door, Mr Fairley grabbed my hand and said that we needed to talk in private. It is possible that Mr. Fairley did not say, "Don't scream or I will kill you." I was mentally distraught that night and everything was happening so fast. Looking back I realize that Mr. Fairley could have said "Don't scream like I'm going to kill you" or "Don't scream I

won't kill you". He walked with me down the stairs at a very quick pace and was trying to hurry to get to the car because it was cold and it was late. I told him I didn't want to go if we were going to be arguing. I did not want to go and I was irritated and didn't really want to deal with anything., so I resisted getting in the car.. After shoving the bags over, he told me to move over so that he could close the door. I didn't move over so he then moved my leg over to close the door and drove off. We drove for a couple of miles and were soon pulled over by the police.

FURTHER AFFIANT SAYETH NOT.

Dontisha Davis

Dontisha Davis

Telephone: (870) 413-9532

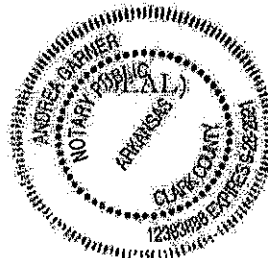
ACKNOWLEDGMENT

State of Arkansas)
County of Clark)

On the 2nd day of March, 2015, before me, a notary public, the undersigned officer, personally appeared Dontisha Davis, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that she/he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My commission expires Sept 28, 2021
Andrea Garner
Notary Public



The Mathis Law Firm

Winston C. Mathis

Attorney At Law
P.O. Box 399
402 Main Street
Arkadelphia, Arkansas 71923
Phone (870) 246-5886, Fax (870) 246-3249
Email: mathislawfirm@gmail.com

July 8, 2015

Paul Brewer
Pulaski County Special School District
325 E Dixon Rd,
Little Rock, AR 72206

RE: Anwar Fairley

Dear Paul:

1. Anwar Fairley will be accepting a plea of deferred adjudication. This is a plea under ***Act 346***. What this means is that there will be no Guilty Plea entered and no felony attributed to Anwar Fairley. Once he completes the requirement of the court then the charges will be dismissed.
2. Were he not to comply that would be the only case where any type of judgement will be entered against him. Due to the requirements that are being placed upon him it is extremely likely that he will have all his charges dismissed upon completion.

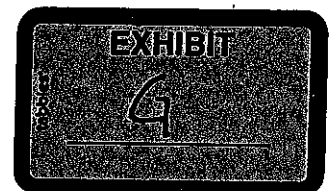
Sincerely,



Winston C. Mathis

WCM/ma

cc: Anwar Fairley



West's Arkansas Code Annotated

Title 5. Criminal Offenses (Refs & Annos)

Subtitle 2. Offenses Against the Person (Chapters 10 to 24)

Chapter 11. Kidnapping and Related Offenses (Refs & Annos)

A.C.A. § 5-11-103

§ 5-11-103. First degree false imprisonment

Currentness

(a) A person commits the offense of false imprisonment in the first degree if, without consent and without lawful authority, the person knowingly restrains another person so as to interfere substantially with the other person's liberty in a manner that exposes the other person to a substantial risk of serious physical injury.

(b) False imprisonment in the first degree is a Class C felony.

Credits

Acts of 1975, Act 280, § 1703.

Formerly A.S.A. 1947, § 41-1703.

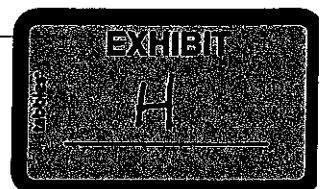
Notes of Decisions (19)

A.C.A. § 5-11-103, AR ST § 5-11-103

Current through 2014 2nd Ex. Sess. and the Nov. 4, 2014, election, including changes made by the Ark. Code Rev. Comm. received through 3/1/2015. Also included are 2015 Regular Session laws effective through March 27 from the 2015 Reg. Sess. of the 90th Arkansas General Assembly.

End of Document

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West's Arkansas Code Annotated

Title 16. Practice, Procedure, and Courts

Subtitle 6. Criminal Procedure Generally (Chapters 80 to 104)

Chapter 93. Probation and Parole (Refs. & Amos)

Subchapter 3. Probation and Suspended Imposition of Sentence

A.C.A. § 16-93-303

§ 16-93-303. Probation--First time offenders--Procedure

Effective: July 22, 2015

Currentness

(a)(1)(A)(i) Whenever an accused enters a plea of guilty or nolo contendere prior to an adjudication of guilt, the judge of the circuit court or district court, in the case of a defendant who previously has not been convicted of a felony, without making a finding of guilt or entering a judgment of guilt and with the consent of the defendant, may defer further proceedings and place the defendant on probation for a period of not less than one (1) year, under such terms and conditions as may be set by the court.

(ii) A sentence of a fine not exceeding three thousand five hundred dollars (\$3,500) or an assessment of court costs against a defendant does not negate the benefits provided by this section or cause the probation placed on the defendant under this section to constitute a conviction except under subsections (c)-(e) of this section.

(iii) A serious felony involving violence or a felony involving violence as provided in § 5-4-501 shall not be eligible for sealing of record under this subchapter.

(B) However, a person who is found guilty of or pleads guilty or nolo contendere to a sexual offense as defined by § 5-14-101 et seq. and §§ 5-26-202, 5-27-602, 5-27-603, and 5-27-605 is not eligible for sealing of the record under this subchapter.

(2) Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided.

(3) This subsection does not require or compel any court of this state to establish first offender procedures as provided in this section and §§ 16-93-301 and 16-93-302.

(b) Upon fulfillment of the terms and conditions of probation or upon release by the court prior to the termination period



thereof, the defendant shall be discharged without court adjudication of guilt, whereupon the court shall enter an appropriate order that shall effectively dismiss the case, discharge the defendant, and seal the record, if consistent with the procedures established in the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq.

(c) During the period of probation described in subdivision (a)(1)(A)(i) of this section, a defendant is considered as not having a felony conviction except for:

(1) Application of any law prohibiting possession of a firearm by certain persons;

(2) A determination of habitual offender status;

(3) A determination of criminal history;

(4) A determination of criminal history scores;

(5) Sentencing; and

(6) A purpose of impeachment as a witness under Rule 609 of the Arkansas Rules of Evidence.

(d) After successful completion of probation placed on the defendant under this section, a defendant is considered as not having a felony conviction except for:

(1) A determination of habitual offender status;

(2) A determination of criminal history;

(3) A determination of criminal history scores;

(4) Sentencing; and

(5) A purpose of impeachment as a witness under Rule 609 of the Arkansas Rules of Evidence.

(e) The eligibility to possess a firearm of a person whose record has been sealed under this subchapter and the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., is governed by § 5-73-103.

(f) A court as a condition of probation shall order the defendant to:

(1)(A)(i) Enroll in and complete a vocational, technical,¹ or similar program if the court finds that the defendant's lack of an employable or marketable skill contributes to the defendant's being unemployed.

(ii) The court may order the person to pay tuition for any vocational, technical, educational, or similar program in installments after the completion of the education or training program.

(B) If the defendant is on probation at the end of the vocational, technical, educational, or similar program required under subdivision (f)(1)(A) of this section, he or she shall be required to work in suitable employment for the remainder of his or her probation or for three (3) years, whichever occurs earlier; or

(2) Work consistently in suitable employment for the entire duration of his or her probation or for three (3) years, whichever occurs earlier.

Credits

Acts of 1975, Act 346, §§ 2, 3; Acts of 1995, Act 998, § 9; Acts of 1999, Act 1407, § 1, eff. July 30, 1999; Acts of 2003, Act 1185, § 219, eff. July 16, 2003; Acts of 2003, Act 1753, § 2, eff. July 16, 2003; Acts of 2007, Act 744, § 2, eff. July 31, 2007; Acts of 2011, Act 570, § 90, eff. July 27, 2011; Acts of 2011, Act 1233, § 1, eff. July 27, 2011; Acts of 2013, Act 1460, § 11, eff. Jan. 1, 2014; Acts of 2015, Act 1198, § 8, eff. July 22, 2015.

Formerly A.S.A. 1947, §§ 43-1232, 43-1233.

Notes of Decisions (18)

Footnotes

1

So in enrolled act. Probably should read "educational".

(2) As used in this subsection, "serious felony involving violence" means:

(A) Any of the following felonies:

(i) Murder in the first degree, § 5-10-102;

(ii) Murder in the second degree, § 5-10-103;

(iii) Kidnapping, § 5-11-102, involving an activity making it a Class Y felony;

(iv) Aggravated robbery, § 5-12-103;

(v) Terroristic act, § 5-13-310, involving an activity making it a Class Y felony;

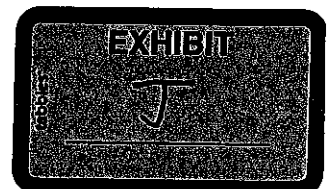
(vi) Rape, § 5-14-103;

(vii) Sexual assault in the first degree, § 5-14-124;

(viii) Causing a catastrophe, § 5-38-202(a); or

(ix) Aggravated residential burglary, § 5-39-204; or

(B) A conviction of a comparable serious felony involving violence from another jurisdiction.



The Mathis Law Firm

Winston C. Mathis

Attorney At Law

P.O. Box 399

402 Main Street

Arkadelphia, Arkansas 71923

Phone (870) 246-5886, Fax (870) 246-3249

Email: mathislawfirm@gmail.com

September 4, 2015

Arkansas Department of Education
4 Capitol Mall #26
Little Rock, AR 72201

RE: *State of Arkansas vs. Anwar Fairley*
Clark County Circuit Case No. CR-2014-125

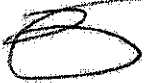
Dear: Sir or Madame

Enclosed herewith please find the Order of Deferred Adjudication. It is my understanding that you are relying on the Plea Agreement which carries no weight legally whatsoever.

The Deferred Adjudication clearly shows that my client has not been convicted of anything, and that if successfully fulfills his obligations there will be no remaining records of this matter.

If you have any questions, please contact my office.

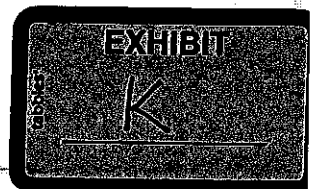
Sincerely,



Winston C. Mathis

WCM/ma

cc: Anwar Fairley



IN THE CIRCUIT COURT OF CLARK COUNTY, ARKANSAS
CRIMINAL DIVISION

STATE OF ARKANSAS

PLAINTIFF

VS.

10CR-14-125

ANWAR FAIRLEY

DEFENDANT

ORDER OF DEFERRED ADJUDICATION

On this 11th day of August, 2015, the Defendant, Anwar Fairley, is hereby sentenced under A.C.A. 16-93-303, deferred adjudication.

Upon fulfillment of the terms and conditions of probation or upon release by the court prior to the termination period thereof, the defendant shall be discharged without court adjudication of guilt; whereupon the Court shall enter an appropriate Order that shall effectively dismiss the case, discharge the defendant and expunge the record, if consistent with the procedures established in A.C.A. 16-90-901 et. seq. The Court doth find:

1. That the Defendant entered a plea of guilty to the charge of False Imprisonment, A.C.A. 5-11-103;
2. That the Court orders that the defendant shall complete four (4) months in the county jail with four (4) months Suspended Imposition of Sentence and seventy-two (72) months of supervised probation;

3. That the Defendant shall be assessed fines and costs as follows:

\$1500.00 fine

\$ 150.00 court costs

\$ 50.00 Local Victim Restitution Fund

\$ 20.00 Booking Fee

\$ 250.00 DNA Assessment Fee


\$ 125.00 Drug Crime Assessment Fee

4. That the Defendant shall pay all fines and costs through the Clark County Sheriff's Department at the rate of \$105.00 per month plus a \$5.00 monthly collection fee due and payable at the first of each month beginning thirty (30) days after sentencing and every month thereafter until paid in full;

EXHIBIT

5. That the Defendant shall be sentenced under the terms and conditions of Act 346;
6. That the Defendant shall complete 200 hours of community service work while on supervised probation;
7. That the Defendant shall have no contact with the Victim.
8. That the Defendant must maintain full-time employment or attend school full time. Also, Defendant ~~must stay in school and complete his degree program successfully;~~
9. That the Defendant shall not consume, possess or purchase alcohol while on probation;
10. That the Defendant shall submit to periodic, random drug tests while on probation;
11. That the Defendant shall not possess any weapons;
12. That the Defendant shall be on Home Detention electronic monitor for 120 days;
13. That the Defendant shall successfully complete a substance abuse evaluation and follow the instructions of the substance abuse treatment providers;
14. That the Defendant shall comply with all terms of conditions of the terms of his period of supervised probation.

IT IS SO ORDERED.




Honorable Robert McCallum
Circuit Court Judge 9E

8/17/15

Date

Clerk mail copies to:
Blake Batson
Clint Mathis

Order submitted by:



Blake Batson, Prosecuting Attorney

File for Record 17 day of Aug 2015 at 10:07 o'clock
By Martha J. Smith Circuit Clerk
[Signature] Deputy Clerk



PULASKI COUNTY SPECIAL SCHOOL DISTRICT

925 East Dixon Road/P.O. Box 8601
Little Rock, Arkansas 72216-8601

August 10, 2015

Dear Certified Employee:

Enclosed is your primary certified employment contract for 2015-2016. Contracts for all supplemental pay will be issued after August 31, 2015. The 190-day teacher salary schedule can be found on the website at www.pcssd.org under the Departments Section/Human Resources. Certified Personnel Policies for the 2015-2016 school year can be found on the website under the Our Leadership Section. You are encouraged to review and become familiar with Certified Personnel Policies as these policies are part of your contract.

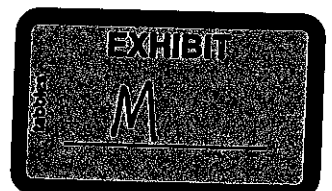
This contract must be signed and returned to the principal of your school or Human Resources, 925 East Dixon Road, Little Rock, AR 72206 within thirty (30) calendar days of receipt which would be September 10, 2015. ARK. CODE ANN. §§ 6-17-1506 states, "no teacher shall be required to sign and return a contract for the next school year any sooner than thirty days after the contract is issued to the teacher".

Please check your contracts for errors and contact Kristy Manees in Human Resources, 501-234-2035, if you find an error.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paul Brewer", is written over the signature line.

Paul Brewer
Chief Executive Officer/Human Resources



PULASKI COUNTY SPECIAL SCHOOL DISTRICT
TEACHER'S CONTRACT

EMP: **1000660Z**



SCHOOL: **4Z**

STATE OF ARKANSAS

2015 - 2016

COUNTY OF PULASKI
P 2 B2N 06 10

PARTIES: The Pulaski County Special School District, Party of the first part, and **ANWAR FAIRLEY**, party of the second part, agrees as follows:

EMPLOYMENT: The party of the first part agrees to employ **ANWAR FAIRLEY**, party of the second part, as provided herein:

SERVICE: Party of the second part agrees to perform services as follows:

(1) Primary responsibility - **INSTRUCTIONAL FACILITATOR**

TIME: The time period covered by this contract is 2015 - 2016 school year presently scheduled to be: **193** days; provided however, that should the Commissioner determine that it is necessary because of lack of available revenue and in the interest of sound fiscal policy to reduce certified personnel, the time period covered by this contract shall be the actual number of days worked with compensation at the rate of **\$286.14** per day.

COMPENSATION FOR SERVICES: Annual compensation rate under this contract is **\$55,224.41** to be paid in **26** installments.

DISTRICT POLICIES: District policies for which party of second part will be held accountable and subject to under terms of this contract will be made available in the library or other accessible places at each school. This contract is subject to the provisions of the Arkansas Teacher Excellence and Support System (Act 1209 of 2011).

CERTIFICATION: The party of the second part certifies that he or she holds a current and valid teaching certificate from the Arkansas Department of Education and is not under a teaching contract with another school district except for part-time services shared by more than one school district. Absent appropriate, valid certification this contract is null and void.

REFUND OF UNEARNED SALARY: The employee agrees to refund to the school district any salary received for which no teaching services were rendered. The employee further agrees to refund to the school district any salary paid in error and not authorized by district policies.

LAST PAYMENT: Party of the second part agrees that the last salary payment shall not be made until all reports required by the employer have been satisfactorily made and all duties have been performed as required by law and regulations.

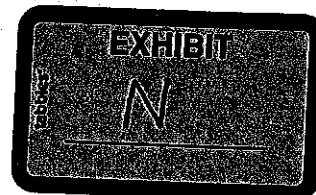
OTHER CONDITIONS: 1. The Superintendent may transfer and assign party of the second part to a similar position in another location within the district. 2. This contract must be signed and returned to the Human Resources Department within thirty (30) days from the contract date.

Given on this day, Aug 11, 2015
Party of the second part

Party of the first part

Commissioner

208 PERRY STREET
PULASKI, AR 72454





PULASKI COUNTY SPECIAL SCHOOL DISTRICT

925 East Dixon Road/P.O. Box 8601
Little Rock, Arkansas 72216-8601

August 27, 2015

State Board of Education
Arkansas Department of Education
Four Capitol Mall
Little Rock, Arkansas 72201

To Whom It May Concern:

Anwar Fairley has been employed by Pulaski County Special School District as Instructional Facilitator from August 6, 2013, to the present time. It is our understanding that Mr. Fairley intends to seek a waiver of the revocation of his Teacher's License.

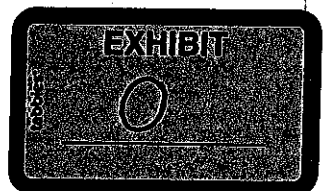
I do not consider Mr. Fairley to pose a threat to the health or safety of school children or school personnel. If you need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Brewer".

Paul Brewer
Chief Executive Officer/Human Resources

c: Personnel File



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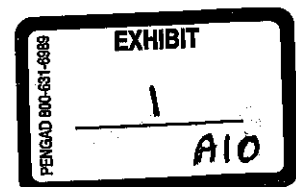
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EXHIBIT ONE (1)

ARKANSAS STATE BOARD OF EDUCATION CALENDAR

January 2016 - December 2016

AGENDA ITEMS IDENTIFIED / ITEM DETAILS DRAFTED	ATTACHMENTS / MATERIALS TO BE POSTED ON NOVUSAGENDA DUE	DATE OF SUBMISSION TO WEB	MEETING DATE 2nd Thursday & Friday
December 18, 2015	December 23, 2015	January 4, 2016	January 14-15, 2016
January 15, 2016	January 22, 2016	February 2, 2016	February 11-12, 2016
February 12, 2016	February 19, 2016	March 1, 2016	March 10-11, 2016
March 18, 2016	March 25, 2016	April 4, 2016	April 14-15, 2016
April 15, 2016	April 22, 2016	May 2, 2016	May 12-13, 2016
May 13, 2016	May 20, 2016	June 31, 2016	June 9-10, 2015
June 17, 2016	June 24, 2016	July 1, 2016	July 14-15, 2016
July 15, 2016	July 22, 2016	August 2, 2016	August 11-12, 2016
August 12, 2016	August 19, 2016	August 30, 2016	September 8-9, 2016
September 16, 2016	September 23, 2016	October 3, 2016	October 13-14, 2016
October 14, 2016	October 21, 2016	November 1, 2016	November 10, 2016 (No Friday meeting)
November 10, 2016	November 18, 2016	November 29, 2016	December 8-9, 2016



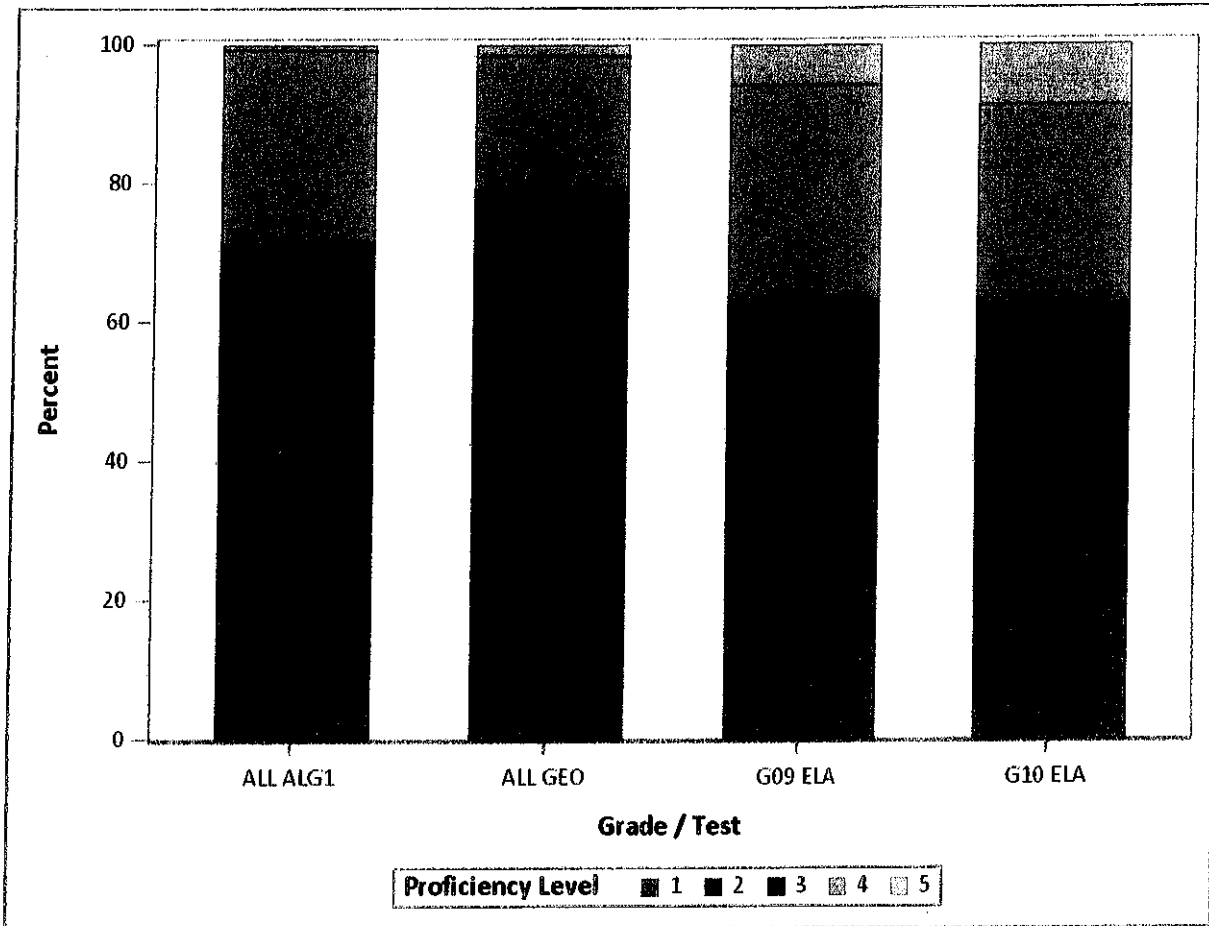
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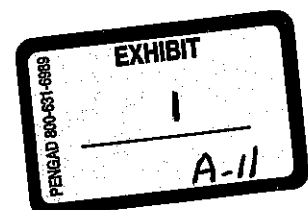
EXHIBIT ONE (1)

Preliminary PARCC High School Results as of October 1, 2015

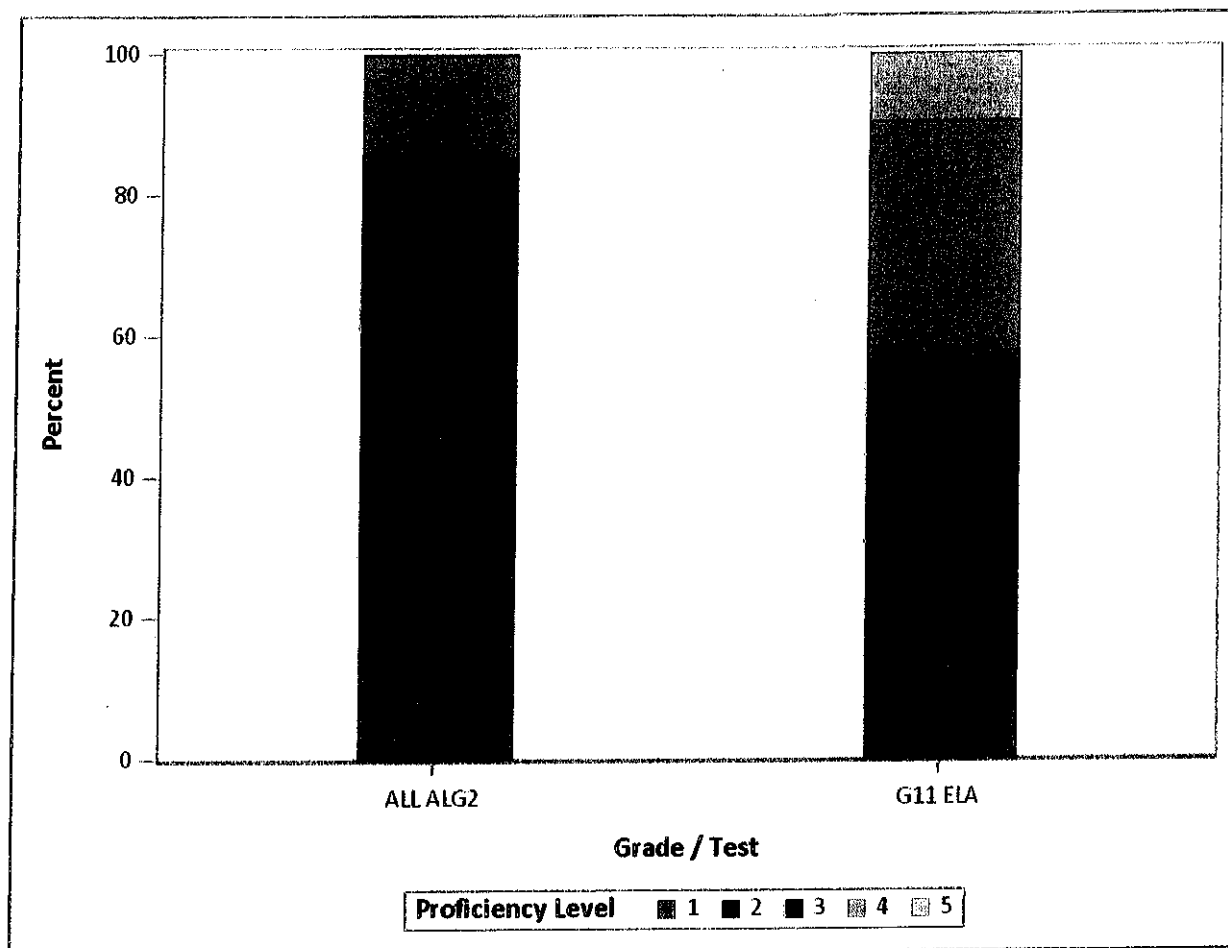
Percentage of students at each performance level for PARCC Algebra 1, Geometry, ELA Grade 9, and ELA Grade 10.



	% at level 3 and above	% at level 4 and above
Required Assessments		
Algebra 1 (N = 34,433)	60%	28%
Geometry (N = 32,611)	57%	21%
ELA Gr. 9 (N = 35,325)	64%	36%
ELA Gr. 10 (N = 33,529)	60%	37%
Optional Assessments		
Algebra 2 (N = 10, 611)	39%	15%
ELA Gr. 11 (N = 12, 765)	69%	43%



Percentage of students at each performance level for PARCC Algebra 2 and ELA Grade 11. These assessments were optional and only one third of all students enrolled in Algebra 2 or enrolled in Grade 11 were assessed.



Grade / Test	N of Students	N of Students at Level 1	% of Students at Level 1	N of Students at Level 2	% of Students at Level 2	N of Students at Level 3	% of Students at Level 3	N of Students at Level 4	% of Students at Level 4	N of Students at Level 5	% of Students at Level 5	N of Students at Level 3 and Above	% of Students at Level 3 and Above	N of Students at Level 4 and Above	% of Students at Level 4 and Above
ALL ALG1	34433	3651	11%	10108	29%	10904	32%	9554	28%	216	1%	20674	60%	9770	28%
ALL ALG2	10611	3065	29%	3433	32%	2536	24%	1554	15%	23	0%	4113	39%	1577	15%
ALL GEO	32611	2408	7%	11530	35%	11838	36%	6338	19%	497	2%	18673	57%	6835	21%
G09 ELA	35325	5285	15%	7596	22%	9554	27%	10803	31%	2087	6%	22444	64%	12890	36%
G10 ELA	33529	7079	21%	6348	19%	7697	23%	9440	28%	2965	9%	20102	60%	12405	37%
G11 ELA	12765	1626	13%	2308	18%	3307	26%	4283	34%	1241	10%	8831	69%	5524	43%

		% at level 3 and above	% at level 4 and above
Algebra 1	34433 Algebra 1	60%	28%
Geometry	32611 Geometry	57%	21%
ELA Gr. 9	35325 ELA Gr. 9	64%	36%
ELA Gr. 10	33529 ELA Gr. 10	60%	37%
Algebra 2	10611 Algebra 2	39%	15%
ELA Gr. 11	12765 ELA Gr. 11	69%	43%

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EXHIBIT ONE (1)



ncsc

National Center and State Collaborative

CONFIDENTIAL

English Language Arts

SUMMARY REPORT
Arkansas

	Grade	State	Enrolled	Tested	Invalid	Did Not Test	Average Scale Score	Performance Level							
								Level 1		Level 2		Level 3		Level 4	
								N	%	N	%	N	%	N	%
Grade 03	State	552	542	3	7	1242	149	27	69	13	29	155	29	169	31
Grade 04	State	523	508	7	8	1242	159	31	67	13	37	189	37	93	18
Grade 05	State	560	544	9	7	1242	122	22	117	22	33	178	33	127	23
Grade 06	State	578	571	3	4	1238	187	33	128	22	27	152	27	104	18
Grade 07	State	616	602	4	10	1244	177	29	72	12	28	171	28	182	30
Grade 08	State	530	518	2	10	1241	133	26	115	22	19	101	19	169	33
Grade 11	State	548	510	10	28	1246	110	22	68	13	37	188	37	144	28

PENGLD 800-831-6888

EXHIBIT

A12



ncsc

National Center and State Collaborative

CONFIDENTIAL

Mathematics

SUMMARY REPORT
Arkansas

		Enrolled	Tested	Invalid	Did Not Test	Average Scale Score	Performance Level							
							Level 1		Level 2		Level 3		Level 4	
							N	%	N	%	N	%	N	%
Grade 03	State	552	544	3	5	1243	149	27	68	13	174	32	153	28
Grade 04	State	523	513	3	7	1239	151	29	108	21	127	25	127	25
Grade 05	State	560	547	6	7	1241	112	20	126	23	182	33	127	23
Grade 06	State	578	564	10	4	1241	172	30	111	20	101	18	180	32
Grade 07	State	616	597	10	9	1245	96	16	151	25	163	27	187	31
Grade 08	State	530	512	9	9	1244	123	24	84	16	121	24	184	36
Grade 11	State	548	257	13	278	1241	63	25	49	19	56	22	89	35

Table 1**Performance-Level Scale Score Ranges and Standard Error of Measurement (SEM) for 2015 by Content Area and Form**

Performance Level	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 11
English Language Arts							
Level 4	1252-1290	1259-1290	1257-1290	1257-1290	1256-1290	1251-1290	1256-1290
Level 3	1241-1251	1241-1258	1241-1256	1241-1256	1241-1255	1241-1250	1241-1255
Level 2	1235-1240	1235-1240	1233-1240	1232-1240	1237-1240	1231-1240	1237-1240
Level 1	1200-1234	1200-1234	1200-1232	1200-1231	1200-1236	1200-1230	1200-1236
SEM	15						
Mathematics							
Level 4	1255-1290	1252-1290	1256-1290	1250-1290	1255-1290	1250-1290	1250-1290
Level 3	1238-1254	1241-1251	1241-1255	1241-1249	1241-1254	1241-1249	1241-1249
Level 2	1237-1240	1234-1240	1232-1240	1235-1240	1232-1240	1235-1240	1235-1240
Level 1	1200-1236	1200-1233	1200-1231	1200-1234	1200-1232	1200-1234	1200-1234
SEM	15						

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A-15

EXHIBIT ONE (1)



ARKANSAS
DEPARTMENT
OF EDUCATION

4 Capitol Mall
Little Rock, AR 72201-1019
Phone: (501) 682-4475
Web: www.arkansased.org



To: SBE
From: Michael Rowland
Cc'ed: Darrick Williams, Joan Luneau, Melissa Jacks,
Ivy Pfeffer
Date: 10/8/15
Re: PRAXIS TEST FOR NEW AGE 3-4 SPECIAL
EDUCATION LICENSE

Licensure Tests

Current Age 3-4 SPED Licensure Test:	New Age 3-4 SPED Licensure Test:
N/A: New educator licensure area	Praxis™ Interdisciplinary Early Childhood Education (5023) Recommended Cut Score: 160
	Effective Immediately

Rationale

To address a new Arkansas educator licensure area in Age 3-4 Special Education, Educational Testing Service (ETS) provided the following information from a state test review for the Praxis™ Interdisciplinary Early Childhood Education (5023). The 5023 is currently one of two tests required for the Early Childhood Special Education Integrated (Birth-Kindergarten) license and is the content assessment for the special education components of the B-K license.

To support the decision-making process for the Arkansas Department of Education (ADE) with regards to establishing a passing score, or cut score, for the Praxis™ Interdisciplinary Early Childhood Education (5023) test, research staff from ETS designed and conducted a state test review in February 2014 and a follow up meeting in April 2014. The review collected content-related validity evidence to confirm the importance of the content specifications for entry-level early childhood special education integrated (B-K) teachers.

The two hour assessment contains 100 multiple-choice questions covering four content areas: Growth and Development of Young Children Across the Spectrum of Development (24 questions); Educational and Service Requirements for Children with a Range of Abilities and Special Needs (19-20 questions); Curriculum, Instruction, and Assessment for Young Children (26-27 questions); Play and Learning Environment for Young Children (24 questions); Collaboration with Families and Colleagues (14-15 questions); and Professionalism and Growth through Professional Development (11-12 questions).

The recommended passing score is provided to help the ADE determine an appropriate operational passing score. For the Praxis™ Interdisciplinary Early Childhood Education (5023), the recommended passing score is 160 (on a 100 - 200 scale).

For the Age 3-4 Special Education license, the ADE recommends adopting the Praxis™ Interdisciplinary Early Childhood Education (5023) test with a cut score of 160 effective immediately.

C E R T I F I C A T E

STATE OF ARKANSAS)
) ss.
 COUNTY OF SALINE)

I, SHARON K. HILL, CCR, a Certified Stenomask Reporter before whom the foregoing testimony was taken, do hereby certify that the same is a true and correct transcription of proceedings before the Arkansas State Board of Education, in Little Rock, Arkansas, on October 8, 2015, that the said testimony was reduced to typewritten form by me or under my direction and supervision; and that the foregoing pages constitute a true and correct transcription of all evidence heard and proceedings had in said matter.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken.

I FURTHER CERTIFY that I have no contract with any parties within this action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original transcript or copies of the transcript before it is certified and delivered to the custodial agency, or that requires me to provide any service not made available to all parties to the action.

WITNESS, MY HAND AND SEAL, THIS DATE: October 14, 2015.



Sharon K. Hill

SHARON K. HILL, CCR
 Certified Court Reporter
 Certificate No. 670

